

REMARKS/ARGUMENTS

The office action of November 5, 2003 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1-13 are pending. Claims 1-10 were allowed. Claims 11-12 were rejected under 35 U.S.C. 102(b) as being anticipated by Dietrich et al. (U.S. Patent No. 3,941,126). Claim 13 was objected to as being dependent on a rejected base claim, namely claim 11, but would be allowable if rewritten in independent form. The specification was objected to as not providing proper antecedent basis for the claimed subject matter.

In response, the Applicants thank the Examiner for the indication of allowable subject matter recited in claims 1-10. The Applicants have amended claim 11 to incorporate the limitations of claim 13. Claim 13 has been cancelled. The Applicants have amended the specification to provide proper antecedent basis for the claimed subject matter. New claims 14-33 have been added. No new matter has been added by this amendment.

The Applicants submit that amended claim 11 is not taught by Dietrich or any prior art of record as those references do not teach the recited "control module" to provide control signals to the inlet and outlet valves to permit an accumulation of drug with an accumulator. Indeed, on page 3 of the office action, in the paragraph titled "Allowable Subject Matter," the Examiner agrees that Dietrich does not disclose the recited control module for generating a control signal to the valve and controlling the valve.

For these reasons, the Applicants believe that amended claim 11 and all claims depending from claim 11 are allowable over the prior art of record.

In addition, new claims 14-33 are believed to be allowable over the prior art of record.

CONCLUSION

It is believed that all claims are in allowable condition and that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Application No.: 10/052,077
Amendment dated February 4, 2004
Reply to Office Action mailed November 5, 2003

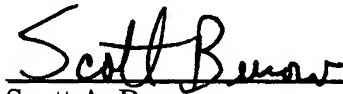
All rejections and objections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: February 4, 2004

By:

A handwritten signature in dark ink, appearing to read "Scott Burow", is written over a horizontal line.

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